

"What Acquiring Minds Want to Know"

LaDOTD Acquirer

10th Anniversary

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New pay scale approved; LTM begins acquisitions

Director's Report

BY: Jim Dousay

First, some good news! The Civil Service Commission and the Governor, have approved the new Administrative Services pay scale, effective September 9, 2003.. This effects Real Estate positions from Real Estate Agent 1 (now Real Estate Specialist 1) through Real Estate Administrator (Real Estate Specialist 8). This new pay scale raises the top of Real Estate Specialists by a significant amount (see box on page 5). Specialists who are at the top of the old pay brackets will again be eligible for merit increases. The paperwork that Human Resources will have to do will be enormous, so they have given us the following comments:



- The only employees who will receive an increase on the date of implementation are those earning below the new minimum; these employees will be adjusted to the new minimum.
- If an employee's individual pay rate falls above the new range maximum, his pay shall be red-circled until the range encompasses the rate.
- Human Resources will enter the necessary personnel actions to effect the transition into the AS Schedule.
- This "walkover" affects the largest number of employees, so it will take longer to process the related actions. It will no doubt also impact the

normal processing time for other personnel actions.

They will try to keep any delays to a minimum.

LTM

On another topic of interest, Louisiana Timed Managers (LTM) has acquired their first ownerships. They have 4 ½ years to acquire some 4,000 ownerships. This effort will certainly be interesting and Real Estate will do all it can to make this endeavor a success. It will take the efforts of all involved to make it a success. The State of Louisiana has a lot at stake in this; mainly \$2.3 billion in future income. The Real Estate Section will play a major role throughout the terms of the contract.

Meetings/Conferences

Lloyd Scallan and I went to Gulf Shores recently to the Alabama IR/WA State Conference to make a presentation on the TIMED program and LTM services. They asked us to come back in three years to report on the status of the program. While there, I had an opportunity to talk to Alabama environmental officials. In Alabama, the Phase 1 and 2 assessments and estimated clean up costs of each site are part of the EIS. I have been working with Mr. Boagni to create an environmental policy to identify contamination and its extent earlier in the project development process. We will be meeting September 22 on improving the process. We hope that we will be able to have the Phase 2 assessment done before we receive final right of way maps.

Of course, the Mid-South States/FHWA Right of Way and Utilities Workshop will be held in New

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Orleans on October 29-31. There are a number of interesting topics to be discussed. Unfortunately, our limited travel budget does not allow for everyone to attend, but it will be a worthwhile trip for those going.

Congratulations!

Congratulations to Charles Hudson for being named District Operations Chief. He has already begun having meetings with District Staffs. I know he will do a good job in this position.

Misc.

As you can see, we have a lot happening in the Real Estate Section. Unfortunately, we probably will have few, if any, new personnel to help. We have a TO (authorized positions) of 101, plus six “overhires” which brings us to 107. We have 106 people on board now, and we are currently in the process of hiring a Utilities Specialist to assist the Headquarters Unit. That would put us at the 107.employee level.

More and more information is going into AARS

and training continues. To date, some 80 projects (in various stages) have been entered. If Real Estate employees want to see some the information and how it is formatted, pull the Project Status Report on the DeSiard Street project (SPN 002-01-0042). I want to thank Robin Matthews, Mike McEacharn, Mike Robertson, and District 05 for keeping it up to date and providing needed feedback. AARS is a major change from RAMS and employees have been very helpful in providing ideas for improvement. Barring any unforeseen circumstances, the new voucher system is scheduled for completion in mid- October. I want to thank Roger Wirth for working with the computer consultant on this. Phase 3 of the AARS project will start in 2004. The major emphasis here will be on improving the system for the electronic transmission of appraisals.

And last, but I don’t think least, I was able to “harvest” an elk on my recent hunting trip, so I consider the trip a success. ♦

FHWA shutdown may have been averted

from www.transportation1.org
Posted on 9/12/2003

With only two weeks remaining before the expiration of the federal highway and transit

programs, House and Senate authorizers this week drafted bills to keep the programs operating. But quick action may be delayed by disagreement over a six-month versus five-month extension.

News from



The Transportation Equity Act for the 21st Century or TEA-21, expires on September 30. Unlike previous authorizations, provisions in TEA-21 will bring the federal highway and transit programs to a standstill, and could possibly result in the shutdown of the federal agencies that administer the programs.

Early in the week (of September 12), the House Transportation and Infrastructure Committee staff

had drafted a “clean” bill that would extend the highway program for six months by providing a half year worth of contract authority and of obligation limitation. The House is basing its numbers on those included in the House-passed appropriations bill. The appropriations bill carried a limit of \$33.4 billion for the full year.

The House bill also included discretionary allocations, funding to keep federal agencies operating, a set number for minimum guarantee funding, and funding exempt from the obligation limitation for such programs as a part of minimum guarantee and emergency relief.

However, House Transportation and Infrastructure Committee Chairman Don Young (R-AK) made it known in a speech Thursday before the American Road and Transportation Builders Association that he was under pressure from House Majority Leader Tom DeLay (R-TX) to extend the program for only five months, to force action on the bill before Congress considers the FY 2005 budget resolution. DeLay reportedly fears that Young

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would use the highway and transit bill as leverage to urge members to agree to the gas tax increase he is seeking, and to include it in the budget resolution.

GOP leaders want to

avoid exposing the President to possible criticism next spring, if he continues to oppose increased transportation funding levels.

Word circulated on Thursday that the Transportation and Infrastructure Committee leader had directed staff to write a five-month bill, as DeLay has insisted.

Senate Also Weighing Short-Term Bill

Senate transportation leaders also met earlier this week to consider their next steps, discussing a five-month, six-month and a two-year extension. The resolution passed by the AASHTO Board of Directors reportedly was a factor in that debate. It appears that the Environment and Public Works Committee is also divided over whether to offer a five-month or a six-month bill. The Senate version is likely to have slightly higher funding levels, based upon the transportation funding levels contained in the FY 2004 budget resolution. ♦

First of Many...



In August, Agent Charlene Dean and Consultant Manager Jack Shaffer look over the first acquisition package received from LTM. One down, a few thousand to go!



Juliana Smith

Administrative Secretary
Gang 016

Dinah Davis

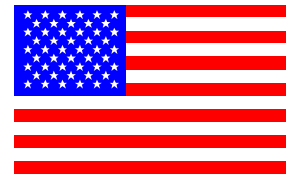
Real Estate Agent 1
Gang 104



Charles Hudson, who was promoted to Real Estate Specialist 7 (District Operations Chief).

"ONLY IN AMERICA"

Only in America...
can a pizza get to your house faster than an ambulance.



Only in America...
are there handicap parking places in front of a skating rink.

Only in America...
do drugstores make the sick walk all the way to the back of the store to get their prescriptions while healthy people can buy cigarettes at the front.

Only in America...
do people order double cheeseburgers, large fries, and a diet Coke.

Only in America...
do banks leave both doors open and then chain the pens to the counters.

Only in America...
do we leave cars worth thousands of dollars in the driveway and put our useless junk in the garage.

Only in America...
do we buy hot dogs in packages of ten and buns in packages of eight.

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Only in America...

do we use answering machines to screen calls and then have call waiting so we won't miss a call from someone we didn't want to talk to in the first place.

Only in America...

do we use the word 'politics' to describe the process so well: 'Poli' in Latin meaning 'many' and 'tics' meaning 'bloodsucking creatures'.

Only in America...

do they have drive-up ATM machines with Braille lettering.

Awards Presentation



Secretary Movassaghi, Karen Hider, Jim Dousay and Tony Sussman join in the presentation of the Excellence in Right of Way award to Charles Hudson. The ceremony was held in Dr. Kam's office in July



- ☑ **Cost of Living** - Rated #2 by *Bloomberg Personal Finance Magazine* for tax friendliness
- ☑ **Climate** - Louisiana's subtropical weather is as diverse as its people.
- ☑ **Lifelong Learning** – Louisiana residents 65 or over may attend public universities tuition free
- ☑ **Friendliness** - You will find friendly people and friendly places in each and every region of the state
- ☑ **Outdoors** - Hunting, fishing, boating, hiking, biking, golfing, and birding can be enjoyed throughout the state
- ☑ **International Influences** - The uniqueness of Louisiana can be experienced and seen from that of our founding fathers of French and Spanish descent to English, Irish, Italian, African, Caribbean, Asian, Native American, and German influences
- ☑ **Cultural** - From the rural areas to the metropolitan regions of the state, each region: offers a personality and cultural experience of its own
- ☑ **Health Care** - Excellent regional hospitals and state-of-the-art health care facilities are available statewide
- ☑ **Food** - Etouffee, crawfish, gumbo, boudin, beignets, king cake, and meat pies, are only a few of the dishes associated with Louisiana's food pyramid
- ☑ **Shopping** - From North Louisiana to cosmopolitan New Orleans, every region of Louisiana offers a unique shopping experience

RETIRE
Louisiana

New Pay Scales for Real Estate Specialists

C.S. TITLE	GS LEVEL	OLD TOP	AS LEVEL	NEW TOP
Real Estate Specialist 1	GS14	\$2,933.00	AS-611	\$3,373.00
Real Estate Specialist 2	GS15	\$3,137.00	AS-612	\$3,609.00
Real Estate Specialist 3	GS 17	\$3,593.00	AS-614	\$4,132.00
Real Estate Specialist 4	GS19	\$4,113.00	AS-616	\$4,732.00
Real Estate Specialist 5	GS20	\$4,401.00	AS-617	\$5,063.00
Real Estate Specialist 6	GS 22	\$5,036.00	AS-619	\$5,796.00
Real Estate Specialist 7	GS24	\$5,769.00	AS-621	\$6,635.00
Real Estate Specialist 8	GS 26	\$6,604.00	AS-623	\$7,597.00

AS pay scale is being implemented in three phases. The three phases affect the minimum pay of the brackets, not the top. Information from Civil Service and DOTD Human Resources web sites. All the new Civil Service pay grids and other information on Civil Service can be viewed at www.dscs.state.la.us/. The top of each pay scale has been increased by 15%.

Why Administrative Settlements? What FHWA says

The following information is from the FHWA Right of Way Project Development Guide

There will be times when settlements cannot be reached through the negotiation process and it may become necessary for the agency to consider making an administrative settlement. There will be situations where it will be in the public interest to seriously consider the settlement of an acquisition with the expediency of project completion and/or cost savings being a driving force or justification. An administrative settlement is *any settlement, made or authorized to be made by the responsible acquiring official, which is in excess of the agency's approved offer of just compensation.*

The Uniform Act requires that "*The head of a federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.*" Negotiation implies an honest effort by the acquiring agency to resolve differences with property owners. Additionally, the legislative history of the Uniform Act indicates that offers

should not reflect a "take it or leave it position." Negotiations should recognize the inexact nature of the process by which just compensation is determined. Further, the law requires an attempt by agencies to expedite the acquisition of real property by agreements with owners and to avoid litigation and relieve congestion in the courts.



It should be noted that there are situations, such as when court awards have been excessive or because of high legal costs, where significant cost savings can be realized through the use of administrative and legal settlements. Cost savings are in the areas of salaries, witness fees, travel, per diem costs, excessive court awards, appraisers' fees, etc.

FHWA endorses administrative settlements, to expedite agreement with owners. The administrative settlement process should be maintained separate from the appraisal/appraisal review function.

Administrative settlements are simply that -- settlements made for administrative reasons considered to be in the public interest and properly

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documented, and negotiators should be given the latitude to achieve them. The law requires agencies to attempt to expedite acquisitions by agreements with owners to avoid litigation and relieve congestion in the courts. There are also significant cost savings in the use of administrative settlements shown by cost data from the Department of Justice.



The purchase price for the property to be acquired may exceed the amount offered as just compensation when reasonable efforts to negotiate on that amount have failed and an

authorized agency official approves such administrative settlement as being reasonable, prudent, and in the public interest. The agency's manual should include the agencies administrative settlement procedures (See Section 4.2 of the Real Estate Manual).

An administrative settlement is precisely what it is labeled and is beyond the appraisal and appraisal review process. It is to be based on an administrative decision. The designated official must give full consideration to all pertinent information and prepare a written justification stating that available information (e.g., appraisals [including the owner's appraisal, if one is available], recent court awards, estimated trial costs, and valuation problems) supports such a settlement. The extent of the written explanation is a judgmental determination and should be consistent with the situation, circumstances, and amount of money involved.

Considerations

Consider for a moment the property owner's perspective. There may be relatively little difference in the opinion of the value of the property from that of the agency or there may be other issues clouding agreement. Settlement may be between the FMV offer and the owner's counter-offer. Agency reluctance to enter into an administrative settlement can result in a missed opportunity for resolution and thus pass on the

responsibility of acquiring the property to an attorney. At this point, in most agencies, the acquisition unit is no longer in control of the situation. The property owner is now confronted with negotiating with an attorney and probably will have to retain and pay for the cost of legal counsel for this as well as subsequent court appearances. Each situation where settlement can not be reached must be carefully analyzed from the stand point of whether additional compensation may resolve the acquisition to the benefit of all parties concerned. The impact of a settlement from a project-wide perspective should also be considered.

Documentation

In order to properly document the decision to proceed to an administrative settlement it is always appropriate to document the recommendation as being reasonable, prudent, and in the public interest. With proper documentation, the approving official will not have to spend his time further justifying the recommendation. Some of the items that can assist the approving official in his action are:

- ☑ All appraisals, including the owners, if appropriate.
- ☑ Recent court awards, showing the average percentage increase over the fair market value for cases that went to trial.
- ☑ The negotiator's record of the actual negotiations.
- ☑ Valuation problems including the probable range of testimony as to fair market value by both sides should the case go to trial.
- ☑ The estimate of trial costs in conjunction with other information developed.
- ☑ The opinion of legal counsel, as appropriate.

In summary, the documentation should fit the situation. An increase of \$150 on an offer of \$10,000 would not need the same degree of support as an increase of \$2,500 on the same \$10,000 offer. ♦

"A sense of humor is good for you. Have you ever heard of a laughing hyena with heart burn?" - Bob Hope

Peggy Durbin retires

Peggy Durbin, Administrative Secretary to the Acquisition Division Chief, retired effective September 15, 2003. She had worked for the state for 33 years, most of it in the Real Estate Section. Peggy lives in Denham Springs. She has two daughters and sons-in-law and four grandchildren. She plans to spend more time with her family, travel, and decorate her new house. A reception was held in her honor on September 10, at Real Estate Headquarters.



A number of former employees joined the crowd at the reception. Carol Hissong and Pete Nyberg discuss the merits of retirement, while Pam Leon takes care of Peggy's new granddaughter.



Present and retired employees greet Peggy at her reception. And retirement presents await!



The Cabildo important in the Purchase

from <http://lsm.crt.state.la.us/site/cabex.htm>

The site of the Louisiana Purchase Transfer and the flagship building of the Louisiana State Museum historical museum complex, the Cabildo was constructed in 1795-99 as the seat of the Spanish municipal government in New Orleans. The name of the



governing body who met there was the "Illustrious Cabildo" or city council. Over the years, the building also served as the

home of the Louisiana Supreme Court; it was here that decisions in the nationally significant Slaughterhouse and Plessy vs. Ferguson cases were handed down. It was established as the home of the Louisiana State Museum in 1911. In 1988 the Cabildo was severely damaged by fire. Over the next five years, the landmark was authentically restored using 600-year-old French timber framing

technology. It reopened to the public in 1994 with a comprehensive exhibit focusing on Louisiana's early history.

Louisianans consider the *Sala Capitulare* one of their most prestigious settings for official ceremonies, evidenced by the fact that the final transfers of the colony were held in it: from Spain to France on November 30, 1803, and from France to the United States on December 20, just twenty days later. The *Sala Capitulare* also functioned as a courtroom, first for the cabildo under Spanish rule (1799-1803), then the superior court in the territorial period (1803-1812), and later the Louisiana Supreme Court after the Civil War (1868-1910).



"Quotable"

"Discouragement is the opposite of courage." – **Connie Tilley**

"Patriotism is easy to understand in America; it means looking out for yourself by looking out for your country." – **Calvin Coolidge**

"Empty barrels make the most noise." – **Norwegian Proverb**

"America will never be destroyed from the outside. If we falter and lose our freedoms, it will be because we destroyed ourselves." – **Abraham Lincoln**

"Genius is perseverance in disguise." – **Mike Newlin**

"If you know you're going to look back on today and laugh, you might as well start laughing now." – **Unknown**

"The U. S. Constitution doesn't guarantee happiness, only the pursuit of it. You have to catch up with it yourself." – **Benjamin Franklin**

"The mind is not a vessel to be filled but a fire to be kindled." – **Plutarch**

"Whatever you want to do, do it now. There are only so many tomorrow's." – **Michael Landon**

"Think Big! Act Big! Be Big!" – **Norman Vincent Peale**

"The essence of genius is knowing what to overlook." – **William James**

"The most damaging phrase in the language is: It's always been done that way." – **Grace Hopper**

"Laziness may appear attractive, but work gives satisfaction." – **Anne Frank**

"It is practically impossible to look at a penguin and feel angry." – **Joe Moore**

"There is something magnificent in having a country to love." – **James Russell Lowell**

